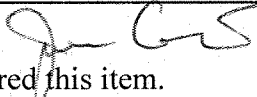


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Administrative Office	(2) MEETING DATE June 8, 2010	(3) CONTACT/PHONE Vincent Morici (805) 781-5011	
(4) SUBJECT Request to approve the recommended response to the 2010 Grand Jury report titled "Leaf Blower Hazards in San Luis Obispo County" and forward this response to the Presiding Judge of the Superior Court by July 29, 2010.			
(5) SUMMARY OF REQUEST The Grand Jury issued a report on April 30, 2010 regarding the hazards presented by the use of leaf blowers in San Luis Obispo County. This report presents the recommended response for Board consideration and approval. No other County department was required to respond to this report.			
(6) RECOMMENDED ACTION It is recommended that the Board adopt the recommended response as the Board of Supervisor's response to the 2009-10 Grand Jury report titled "Blower Hazards in San Luis Obispo County" and forward the response to the Presiding Judge of the Superior Court, with a copy to the Grand Jury, by July 29, 2010.			
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR FINANCIAL IMPACT N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A
(11) OTHER AGENCY INVOLVEMENT/IMPACT (LIST): Sheriff-Coroner			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes, How Many? ____ <input type="checkbox"/> Permanent ____ <input type="checkbox"/> Limited Term ____ <input type="checkbox"/> Contract ____ <input type="checkbox"/> Temporary Help ____			
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All	(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(15) Maddy Act Appointments Signed-off by Clerk of the Board <input checked="" type="checkbox"/> N/A	
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)	(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig) <input type="checkbox"/> Contracts (Orig + 3 Copies) <input type="checkbox"/> Ordinances (Orig) <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Email Resolution and Ordinance to CR_Board_Clerk (in MS Word)		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A	(19) BUDGET ADJUSTMENT REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A	(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____	
(23) ADMINISTRATIVE OFFICE REVIEW The Administrative Office prepared this item. 			

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



TO: BOARD OF SUPERVISORS

JIM GRANT
COUNTY ADMINISTRATOR

FROM: VINCENT MORICI, ADMINISTRATIVE ANALYST

DATE: JUNE 8, 2010

SUBJECT: REQUEST TO APPROVE RECOMMENDED RESPONSES TO THE GRAND JURY REPORT ON "LEAF BLOWER HAZARDS IN SAN LUIS OBISPO COUNTY"

RECOMMENDATION

Approve the recommended response to the Grand Jury Report on *Leaf Blower Hazards in San Luis Obispo County*, and forward the approved response to the Presiding Judge of the San Luis Obispo Superior Court by July 29, 2010.

DISCUSSION

On April 30, 2010, the Grand Jury issued a report on *Leaf Blower Hazards in San Luis Obispo County*. The report identifies two Grand Jury recommendations which require a response from the Board of Supervisors.

The Grand Jury recommends that the San Luis Obispo Board of Supervisors pass an ordinance calling for the gradual two year phase out of all two-cycle gasoline leaf blowers. The Grand Jury also recommends the ordinance adopt the same guidelines restricting the days and hours of operation allowed for leaf blower use as those currently in effect within the City of San Luis Obispo.

The Grand Jury report contains five findings relative to the Grand Jury's investigation of this matter. However, the Grand Jury did not require a response to the report findings. The Grand Jury Foreman verified that no formal response to the findings was required by your Board.

Attached to this Board letter is the recommended Board of Supervisors response to the Grand Jury Report. Should your Board decide to approve the recommended response, it will be forwarded to the Presiding Judge of the San Luis Obispo Superior Court as the Board of Supervisors formal response to the Grand Jury.

OTHER AGENCY INVOLVEMENT/IMPACT

The County Planning and Building Department and Sheriff Department were contacted and provided information related to the development of the recommended response to the Grand Jury. The City of San Luis Obispo provided information regarding the enforcement of the city's ordinance regulating the use of leaf blowers.

FINANCIAL CONSIDERATIONS

Approval of the recommended responses to the Grand Jury report will not result in a financial impact. If the Board decides to implement the Grand Jury recommendation to establish an ordinance regulating the use of leaf blowers, the staff costs and noticing requirements for preparation of the ordinance are estimated to be approximately \$10,000. There would also be additional expense to enforce the ordinance, the cost of which is unknown at this time.

RESULTS

This response will meet the legal requirements for responding to a Grand Jury report with findings and recommendations.

ATTACHMENTS

1. Recommended Board of Supervisors response to the Grand Jury Report "Leaf Blower Hazards in San Luis Obispo County."
2. Grand Jury Report "Leaf Blower Hazards in San Luis Obispo County."

**Response by the San Luis Obispo Board of Supervisors to the
Grand Jury Report of April 2010 on
*Leaf Blower Hazards in San Luis Obispo County***

The San Luis Obispo Grand Jury prepared a report titled "*Leaf Blower Hazards in San Luis Obispo County*". The San Luis Obispo Board of Supervisors is required to respond to Recommendations 1 and 2 of this report. The Grand Jury did not require a response to the findings and a subsequent contact with the Grand jury Foreperson verified that a response to the findings was not necessary.

GRAND JURY RECOMMENDATIONS

Recommendation # 1

The San Luis Obispo County Board of Supervisors pass an ordinance calling for a gradual two year phase-out of all two -cycle gasoline powered leaf blowers within San Luis Obispo County.

Response to Recommendation 1:

The recommendation requires further analysis.

In January 2010, the County began preparation of a Climate Action Plan consistent with AB32 (the California Global Warming Solutions Act of 2006). This effort should be complete in early 2011. The Climate Action Plan will refine Greenhouse Gas (GHG) reduction targets and identify and recommend strategies the County can implement in order to reduce GHG emissions in County operations and as well as communitywide emissions. If the Climate Action Plan identifies the prohibition of two-cycle gasoline powered leaf blowers as a strategy to reduce GHG, the County can process appropriate amendments as part of the implementation package of the Climate Action Plan.

Recommendation # 2

The San Luis Obispo County Board of Supervisors adopt the same guidelines currently in effect within the City of San Luis Obispo for the restriction of days and hours of operation allowed for leaf blower use.

Response to Recommendation 2:

We appreciate the Grand Jury's efforts to identify the issues surrounding the use of leaf blowers. Although we understand the issues identified by the Grand Jury, the County continues to face significant fiscal challenges requiring prioritization of the use of public funds for County services. It is estimated that it would cost at least \$10,000 to prepare and present an ordinance related to regulating the use of leaf blowers. Costs associated with effective enforcement would be dependent upon the number of complaints received, but could include the need for overtime labor cost, and possibly the need for additional staff. At this time, we do not agree that of an ordinance specifically regulating the use of leaf blowers is warranted or reasonable given the potential expense related to the development and enforcement of such an ordinance.

- *The implementation of an ordinance, regulating leaf blowers, equivalent to those adopted by the City of San Luis Obispo would be difficult and potentially costly to enforce due to the large geographical area over which these regulations would apply.*

- *The City of San Luis Obispo noise regulations are contained within the City of San Luis Obispo's code, Title 9 (PUBLIC PEACE, MORALS AND WELFARE), Section 9.12.050.B.10. This code is largely enforced by the City Police Department. Police services in the City are staffed 24 hours per day, seven day a week. The City ordinance addresses an urban environment which covers a geographic area of approximately 10 square miles.*
- *Noise regulations in the County unincorporated area are contained within the Land Use Ordinance and Coastal Zone Land Use Ordinance (Titles 22 and 23 of the county code). These regulations are enforced by County Planning and Building Code Enforcement staff which is staffed during regular business hours Monday through Friday. The unincorporated area under County jurisdiction is largely rural and is estimated to be greater than 2,000 square miles. Enforcement of a code specific to the use of leaf blowers could require substantial staff resources and expense to track and monitor the leaf blower use and related complaints. Leaf blowers are mobile devices and their use is generally intermittent. Tracking and monitoring their use over the large jurisdictional area of the County will be difficult and potentially costly.*
- *The Sheriff Department provides law enforcement and public safety functions over a wide geographical area with limited staff resources. Investigating noise complaints related to the use of leaf blowers would detract from the higher priority functions of this department.*
- *Given the decreasing level of the public funding for public services, establishing and enforcing an ordinance specifically aimed at regulating the use of leaf blowers is not a high priority.*